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ART UNIT 2507 PAPER NUMBER

05/04/92

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948. <u>OK</u> |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-11 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-4, 6-10 are rejected.
5. ☒ Claims 5, 11 are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

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Claim 4 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites "a heating". This cannot be understood as an element per se since the term is not a noun but a contemporaneous participle. Perhaps Applicant intends "heating element" or the like. Correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. § 102(b) as being anticipated by Anstee.

Claim 1 recites the elements in a rear-view unit, as are common in the art. As according to the present claim 1, Anstee recites a pivotable mirror with electric servomotors. Anstee further teaches plural mirrors (as according to claim 3), each having two servomotors each of which are connected to the receiving unit, the mirrors accepting a signal from a common transmitting unit (also from claim 3). It should be noted that, as per claim 1, Anstee's control unit and decoder are,

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respectively, the transmitting unit and receiving unit, as Applicant requires. Anstee teaches a joystick which, as is well known, is a type of switch as required by claim 1. It is further noted from claim 1 that Anstee's current supply and ^{housing}~~having~~ are inherent. Such details are clearly necessary for the operation and protection of electrical instruments, as should be apparent. Anstee's device uses processor elements which clearly entail a multiplex system as required by claim 1. The electric lines 70, 72 and 74 also constitute a data bus, as further required by claim 1. Thus, Anstee anticipates all the elements of claim 1.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 6 and 7 are rejected under 35 U.S.C. § 103 as being unpatentable over Anstee.

In claim 6, it is clear that Anstee teaches a "triggerable

storage location key" embodied as the "memory-select switches (80-87)". However, Anstee fails to teach a "rotary position indicator", as per claim 6. Nevertheless, such a detail would have been obvious since it is common to use indicators to indicate an operative state. For example, automotive transmissions are useful and infact necessary in insuring vehicular safety. Even though Anstee fails to explicitly set forth such a detail, the person of ordinary skill would recognize the advantage of a position indicator since such an element provides greater safety in use of the mirror. Thus, claim 6 is unpatentable.

Anstee teaches supply and ground lines, as required by claim 7. However, Anstee also teaches that the signal is carried on the "data conductor 74" rather than the power supply lines. It would nevertheless have been obvious to transmit the data signal down either of the power lines, thus eliminating the need for a separate data line. It is well known to send signals down power supply lines, and such is typically used by utility workers to communicate with their base. Such does not degrade the performance of the power supply. Therefore, the use of the power supply lines in Anstee to carry the signal would occur to those of ordinary skill and would serve to eliminate the separate data line, thus simplifying the system, lessening it's cost. Thus, claim 7 is unpatentable.

Claims 8-10 are rejected under 35 U.S.C. § 103 as being unpatentable over Thompson, Jr. in view of Anstee.

Thompson Jr. teaches a mirror adjusting system for use in a truck wherein the mirror position is responsive to signals from the turning of the vehicle by means of angle detection equipment. This equipment essentially consists of "electrical pivot point contact bars 12-17", which detect the angle between the longitudinal axes of the truck and trailer. All of these details are required by claim 8. However, Thompson Jr.'s system is very complicated, utilizing electrical, pneumatic and hydraulic elements. Each of these systems are prone to their own respective defects and a defect in any system would render the whole device useless and would require repair from different technicians, depending on the defect in the system: to wit, a pneumatic fault would require a technician with pneumatic expertise. The person of ordinary skill would therefore have found it obvious to narrow the technological field of defects by making the entire system electrical. Thus, it would have been obvious to adapt Thompson Jr.'s system to include Anstee's signal processing and mirror driving elements, substituting the pneumatic and hydraulic elements and using Thompson Jr.'s "pivot point contact bars" to send data to the system of Anstee in place of the joystick. Such a combination would obviate the

difficulties of a mixed technology system and would save the owner many repair dollars. Thus, claim 8 is unpatentable.

Claim 9 recites an "evaluation unit" for converting angle data into data regarding the adjustment of mirror position. It is noted that, in the aforementioned combination, the control unit of Anstee is programmable to accommodate a variety of positions. The person of ordinary skill would thus simply correlate the angle position data for each contact point with the programmable data sites in the memory in order to yield the correct mirror adjustment. Such is merely a programming step with no further modification to the structure contemplated. Thus, claim 9 is unpatentable.

Clearly the "contact bars" of Thompson, Jr., since they progress in discrete steps, constitute an "incremental transducer" as required by claim 10. Thus, this claim is also unpatentable.

Claims 5 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 4 is would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims.

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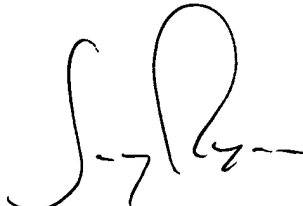
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Cited as relevant prior art are Main et al, McKee et al, Yamama et al, Jensen and Kuroyama.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ryan whose telephone number is (703) 308-4812.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.


Ryan/rk
April 29, 1992


JAY RYAN
EXAMINER
ART UNIT 2507